

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-51 are pending in the application, with claims 1, 15, 28, 41 and 46 being the independent claims. Claims 1, 5-8, 13-15, 17, 21, 26-28, 41 and 46 are sought to be amended. Claims 48 and 49 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Examiner's Interview

Applicants wish to thank Examiners Brown and Zimmerman for the courteous Examiner Interview conducted at the U.S. Patent and Trademark Office on January 18, 2006, with Applicants' representative Thomas C. Fiala, Reg. No. 43,610. The Examiner's Interview Summary accurately reflects the substance of the interview, and should be made of record.

Rejections Under 35 U.S.C. § 103

A. Claims 1-4, 11, 15, 16, 18, 20, 21, 24, 25, 27-29, 31, 32, 38, 40-42 and 44-51

The Examiner has maintained the rejection of claims 1-4, 11, 15, 16, 18, 20, 21, 24, 25, 27-29, 31, 32, 38, 40-42 and 44-51 under 35 U.S.C. § 103(a) as being

unpatentable over U.S. Patent No. 6,563,430 to Kemink *et al.* ("Kemink") in view of U.S. Patent No. 6,665,020 to Stahl *et al.* ("Stahl"). For the reasons set forth below, Applicants respectfully traverse.

Independent claim 1, as presently amended, is directed to an automated method for programmed control of a consumer electronic device. The method of claim 1 includes:

accessing a database that stores metadata that specifies unique requirements for controlling the consumer electronic device, wherein said unique requirements for controlling the consumer electronic device include at least one of: device activation requirements, tuning requirements, and input state selection requirements;

associating a universal command for controlling consumer electronic devices with one or more command codes selected from a predefined set of command codes for the consumer electronic device, wherein said one or more command codes are selected based on said metadata; and

executing said universal command, wherein executing said universal command comprises transmitting said one or more command codes to the consumer electronic device.

The combination of Kemink and Stahl does not establish a *prima facie* showing of obviousness of claim 1, because that combination does not teach or suggest each of the foregoing features of independent claim 1.

Kemink nowhere teaches or suggests accessing "a database that stores metadata that specifies unique requirements for controlling the consumer electronic device, wherein said unique requirements for controlling the consumer electronic device include at least one of: device activation requirements, tuning requirements, and input state selection requirements" as recited in claim 1. Kemink discloses a user control device that selectively presents a user with a set of commands for remote control of an

appliance, wherein the commands are selected based on "context parameters". The context parameters as described by Kemink are one or more of (1) the location of the user in a home environment (Kemink, col. 2, ll. 14-18); (2) the prior location of the user control device (Kemink, col. 4, ll. 35-38); (3) the time of day or year (Kemink, col. 4, ll. 38-40); (4) the state of an external object (Kemink, col. 4, ll. 45-50); (5) the presence of other users or user control appliances (Kemink, col. 4, ll. 50-56); or (6) the identity of the user of the user control device (Kemink, col. 5, ll. 16-19). Notably, none of these "context parameters" has anything to do with the "requirements for controlling" a particular consumer electronic device that "include at least one of: device activation requirements, tuning requirements, and input state selection requirements". Consequently, contrary to the Examiner's assertion, the context parameters of Kemink are not "metadata" as recited in claim 1.

Furthermore, Kemink does not teach or suggest "associating a universal command for controlling electronic devices with one or more command codes . . . for the consumer electronic device, wherein said one or more command codes are selected based on said metadata" as recited in claim 1. In accordance with this feature of claim 1, a universal command is automatically associated with one or more device-specific command codes for controlling a consumer electronic device. Because this association is made "based on said metadata," it can take into account the particular control idiosyncrasies of the consumer electronic device. As a result, the amount of user intervention required to execute the universal command is minimized. One particular example of this provided in the present specification demonstrates how the universal command for "powering on" a DVD player is associated with a series of device-specific

command codes for the Sharp Aquos™ TV (i.e., "channel up", "next input state", and "next input state") based on metadata for that TV. *See* Specification at paragraphs [0047]-[0049].

In contrast, Kemink nowhere teaches or suggests associating a universal command with one or more device-specific command codes "based on said metadata" as recited in claim 1. Rather, in Kemink, proprietary command codes for an appliance are provided to the user control device based on the location of the user control device, or other "context parameters" that have nothing to do with unique requirements for controlling the appliance, including at least one of device activation requirements, tuning requirements, and input state selection requirements.

The foregoing shortcomings of Kemink with respect to claim 1 are not in any way remedied by Stahl or any of the other secondary references cited by the Examiner in support of the obviousness rejections. For example, Stahl describes a digital television that receives remote control commands and routes them to a peripheral device such as a digital VCR after translation to a universal format. Stahl is silent however with respect "accessing a database that stores metadata that specifies unique requirements for controlling the consumer electronic device, wherein said unique requirements for controlling the consumer electronic device include at least one of: device activation requirements, tuning requirements, and input state selection requirements" or "associating a universal command for controlling consumer electronic devices with one or more command codes . . . for the consumer electronic device, wherein said one or more command codes are selected based on said metadata."

Since Kemink and Stahl, either alone or in combination, do not teach or suggest each and every feature of claim 1, these references fail to render claim 1 obvious under 35 U.S.C. § 103(a). Dependent claims 2-4 and 11 are also not rendered obvious by Kemink and Stahl for the same reasons as independent claim 1 from which they depend and further in view of their own respective features.

Independent claims 15, 28, and 41 each recite structures that receive from a database "metadata that specifies unique requirements for controlling [a] consumer electronic device, wherein said unique requirements for controlling the consumer electronic device include at least one of: device activation requirements, tuning requirements, and input state selection requirements" and that use such metadata to "associate a universal command for controlling consumer electronic devices with one or more command codes . . . for the consumer electronic device", and thus are also not rendered obvious by Kemink and Stahl for the reasons set forth above with respect to claim 1. Each of dependent claims 16, 18, 20, 21, 24, 25, 27, 29, 31, 32, 38, 40, 42 and 45 is also not rendered obvious by Kemink and Stahl for the same reasons as the independent claim 15, 28 or 41 from which it depends and further in view of its own respective features.

Independent claim 46 recites a database for facilitating control of a consumer electronic device that includes "metadata that specifies unique requirements for controlling [a] consumer electronic device, wherein said unique requirements for controlling the consumer electronic device include at least one of: device activation requirements, tuning requirements, and input state selection requirements", and thus is not rendered obvious by Kemink and Stahl for the reasons set for the above with respect

to claim 1. Dependent claims 47, 50 and 51 are also not rendered obvious by Kemink and Stahl for the same reasons as independent claim 46 from which they depend and further in view of their own respective features. Dependent claims 48 and 49 have been cancelled, thereby rendering the rejection of those claims moot.

In view of the foregoing, Applicants respectfully request that the rejection of claims 1-4, 11, 15-16, 18, 20, 21, 24, 25, 27-29, 31, 32, 38, 40-42 and 44-51 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

B. Claims 5-7, 12, 32, 33, 35 and 36

The Examiner has maintained the rejection of claims 5-7, 12, 32, 33, 35 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Kemink in view of Stahl and further in view of U.S. Patent No. 5,410,326 to Goldstein ("Goldstein"). The shortcomings of Kemink and Stahl with respect to independent claims 1 and 28 as described in Section A, above, are not in any way remedied by the teachings of Goldstein. Thus, the combination of Kemink, Stahl, and Goldstein fails to render obvious independent claims 1 and 28. Each of dependent claims 5-7, 12, 32, 33, 35 and 36 is also not rendered obvious for the same reasons as the independent claim 1 or 28 from which it depends and further in view of its own respective features. Accordingly, Applicants respectfully request that the rejection of claims 5-7, 12, 32, 33, 35 and 36 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

C. Claims 8 and 10

The Examiner has rejected claims 8 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Kemink in view of Stahl and further in view of Goldstein and further in view of U.S. Patent No. 6,885,643 to Teramoto *et al.* ("Teramoto"). The shortcomings

of Kemink and Stahl with respect to independent claim 1 as described in Section A, above, are not in any way remedied by the teachings of Goldstein and Teramoto. Thus, the combination of Kemink, Stahl, Goldstein and Teramoto fails to render obvious independent claim 1. Dependent claims 8 and 10 are also not rendered obvious for the same reasons as independent claim 1 from which they depend and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 8 and 10 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

D. Claims 9, 13, 14, 23, 37 and 39

The Examiner has rejected claims 9, 13, 14, 23, 37 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Kemink in view of Stahl in view of Goldstein and further in view of U.S. Patent No. 6,267,678 to Kubo *et al.* ("Kubo"). The shortcomings of Kemink and Stahl with respect to independent claims 1, 15 and 28 as described in Section A, above, are not in any way remedied by the teachings of Goldstein and Kubo. Thus, the combination of Kemink, Stahl, Goldstein and Kubo fails to render obvious independent claims 1, 15 and 28. Each of dependent claims 9, 13, 14, 23, 37 and 39 is also not rendered obvious for the same reasons as the independent claim 1, 15 or 28 from which it depends and further in view of its own respective features. Accordingly, Applicants respectfully request that the rejection of claims 9, 13, 14, 23, 37 and 39 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

E. Claims 17, 19, 30, 34 and 43

The Examiner has rejected claims 17, 19, 30, 34 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Kemink in view of Stahl and further in view of Teramoto. The shortcomings of Kemink and Stahl with respect to independent claims 15, 28 and 41

as described in Section A, above, are not in any way remedied by the teachings of Teramoto. Thus, the combination of Kemink, Stahl, and Teramoto fails to render obvious independent claims 15, 28 and 41. Each of dependent claims 17, 19, 30, 34 and 43 is also not rendered obvious for the same reasons as the independent claim 15, 28 or 41 from which it depends and further in view of its own respective features. Accordingly, Applicants respectfully request that the rejection of claims 17, 19, 30, 34 and 43 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

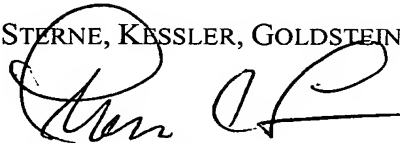
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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